

TTAB

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

76363248

MBA

Mailed: June 30, 2007

Concurrent Use No. 94002102

Easy Cash, Inc.

v.

Advantage Rent-A-Car, Inc.

v.

American International
Investment

David Mermelstein, Administrative Trademark Judge:

On May 25, 2007, the Board suspended proceedings herein because the copy of the concurrent use application forwarded to registrant American International Investment was returned as undeliverable. The Board's May 25, 2007 order required applicant to "investigate further and furnish the correct address" for registrant, or, if applicant "learns that a specified excepted user has abandoned its use of its mark, the concurrent use applicant may file a motion to amend its application to delete reference to that user." The Board's order noted that American International Investment's registration at issue, Registration No. 2346604, was cancelled for registrant's failure to file an affidavit of continued use of the mark.

07-09-2007

U.S. Patent & TMO/TM Mail Rpt Dt. #72

On June 6, 2007, applicant filed a paper with the Board stating "[i]n light of the cancellation of the registration issued to American International Investments, [applicant] requests that its concurrent use application be amended to remove the concurrent use restrictions regarding American International Investment." Applicant's paper does not indicate whether it investigated registrant's correct address or its use, if any, of its mark. Applicant's request is therefore denied for failure to comply with the Board's order of May 25, 2007.

This proceeding remains suspended and applicant is again instructed to either furnish the correct address for registrant or indicate that upon investigation it has learned that registrant has abandoned its use of the mark. See TBMP § 1106.05 (2d ed. rev. 2004). The parties will be notified by the Board when proceedings are resumed, and appropriate action will be taken.

Commissioner for Trademarks

Alexandria, VA. 22313-1451

If Undeliverable Return in Ten Days

PENALTY FOR PRIVATE USE, \$300

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